

Applicant/Inventor: Rolf M. FLUGEL et alApp'n. No. 09/868,502Docket No.: 012627-022Work Atty: ISR/ajlDate: February 7, 2002Title: EQANVY VIRUS VECTORS FOR EXPRESSING FOREIGN GENES IN MAMMALS AND THE USE THEREOF

The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- ☐ Transmittal Letter to the U.S. Receiving Official
Response to Invitation (PTO-1362)
- ☒ Transmittal Letter to U.S. Designated/Elected
Office (DO/EQ/US) Concerning Filing Under 35
USC 371 (PTO-1360)
- ☐ PCT Request (PCT/RQ/101) (___) pgs.
Including
- ☐ specification (pages 1-___)
- ☐ claims (claim(s) 1-___, ___ pgs.)
- ☐ drawings (Fig(s). 1-___, ___ pgs.)
- ☐ Abstract of the Disclosure
- ☐ PCT Fee Calculation Sheet Annex to the
Request (PCT/RQ/101) (Annex)
- ☐ PCT Demand (PCT/PEA/401)
International Preliminary Exam. Report
- ☐ PCT Fee Calculation Sheet Annex to Demand for
Int'l. Prel. Examination (PCT/PEA/401) (Annex)
- ☒ Executed Declaration/Power of Attorney
- ☐ Unexecuted Declaration/Power of Attorney
- ☐ PCT Notice of Confirmation of Preliminary
Designations (PCT/RQ/144)
- ☐ Appointment of Agent
- ☐ Preliminary Amendment
- ☐ Assignment/Assignment Recordation Form
Cover Sheet (PTO-1595)
- ☐ Information Discl. Statement Transmittal Letter
- ☐ Information Disclosure Citation (PTO-1449)
- ☐ Information Disclosure Statement
w/___ document(s)
- ☒ Check for \$ 1110.00 is enclosed
- ☐ Check for \$ ___ is enclosed
- ☐ Charge \$ ___ to Deposit Account
- ☒ Petition for Extension of Time



(10/01)

FORM PTO-1390
(Rev. 9-2001)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

012627-022

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

09/868,502

INTERNATIONAL APPLICATION NO.
PCT/DE99/04052INTERNATIONAL FILING DATE
DECEMBER 17, 1999PRIORITY DATE CLAIMED
DECEMBER 17, 1998

TITLE OF INVENTION

FOAMY VIRUS VECTORS FOR EXPRESSING FOREIGN GENES IN MAMMALS AND THE USE THEREOF

APPLICANT(S) FOR DO/EO/US

Rolf M. FLÜGEL et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:

Copy of Notification of Missing Requirements, dated July 19, 2001; and Petition for Extension of Time.

2-7-02 CS

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 09/868,502*		INTERNATIONAL APPLICATION NO. PCT/DE99/04052		ATTORNEY'S DOCKET NUMBER 012627-022		
21. <input checked="" type="checkbox"/> The following fees are submitted: Basic National Fee (37 CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1,040.00 (960) International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$890.00 (970) International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00 (958) International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00 (956) International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 (962) <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>				CALCULATIONS		PTO USE ONLY
				<div style="text-align: right; margin-bottom: 10px;">\$</div> <div style="text-align: right; margin-bottom: 10px;">\$ 130.00</div>		
Surcharge of \$130.00 (154) for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). 20 <input type="checkbox"/> 30 <input type="checkbox"/>						
Claims	Number Filed	Number Extra	Rate			
Total Claims	-20 =		X\$18.00 (966)	\$		
Independent Claims	-3 =		X\$84.00 (964)	\$		
Multiple dependent claim(s) (if applicable)			+ \$280.00 (968)	\$		
TOTAL OF ABOVE CALCULATIONS =				\$	130.00	
Reduction for 1/2 for filing by small entity, if applicable (see below).				+	\$	
SUBTOTAL =				\$	130.00	
Processing fee of \$130.00 (156) for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)). 20 <input type="checkbox"/> 30 <input type="checkbox"/>						
TOTAL NATIONAL FEE =				\$	130.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 (581) per property				+	\$	
TOTAL FEES ENCLOSED =				\$	130.00	
				Amount to be refunded:	\$	
				charged:	\$	

- a. ☐ Small entity status is hereby claimed.
- b. ☒ A check in the amount of \$ 130.00 to cover the above fees is enclosed.
- c. ☐ Please charge my Deposit Account No. 02-4800 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- d. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

TERESA STANEK REA
 BURNS, DOANE, SWECKER & MATHIS, L.L.P.
 P.O. Box 1404
 Alexandria, Virginia 22313-1404
 (703) 836-6620

SIGNATURE

TERESA STANEK REA

NAME

30,427

REGISTRATION NUMBER

February 7, 2002

DATE

Patent
Attorney's Docket No. 012627-022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Rolf M. FLÜGEL et al.)	Group Art Unit: Unassigned
)	
Application No.: 09/868,502)	Examiner: Unassigned
)	
International Filing Date: December 17, 1998)	
)	
For: FOAMY VIRUS VECTORS FOR)	
EXPRESSING FOREIGN GENES IN)	
MAMMALS AND THE USE THEREOF)	

PETITION FOR EXTENSION OF TIME

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The following extension of time is requested to respond to Notification of Missing Requirements, dated July 19, 2001:

five months to February 19, 2002 ; the extension fee is:

☒ \$980.00 (228) ☐ \$1,960.00 (128).

☐ The shortened statutory period has been reset by an Advisory Action dated _____

☒ An extension fee in the amount of \$ 980.00 is enclosed.

☐ Charge \$ _____ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: _____

Teresa Stanek Rea
Registration No. 30,427

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: February 7, 2002

2702^{CS}
(10/01)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/868502	FLUGEL R	012627-022
INTERNATIONAL APPLICATION NO.		
PCT/DE99/04052		
I.A. FILING DATE:	PRIORITY DATE:	
17 DEC 99	17 DEC 98	
DATE MAILED: 19 JUL 2001		

TERESA STANEK REA
BURNS DOANE SWECKER & MATHIS
P O BOX 1404
ALEXANDRIA, VA 22313 1404

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

- The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

<input checked="" type="checkbox"/> U.S. Basic National Fee.	<input type="checkbox"/> Indication of Small Entity Status.
<input checked="" type="checkbox"/> Copy of the international application.	<input type="checkbox"/> Translation of the international application into English.
<input type="checkbox"/> Oath or Declaration of inventors(s).	<input type="checkbox"/> Translation of Article 19 amendments into English.
<input type="checkbox"/> Copy of Article 19 amendments.	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Priority Document.	
<input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any.	
<input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English.	
- ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

<input type="checkbox"/> U.S. Basic National Fee.	<input type="checkbox"/> Copy of the international application.
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- The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

<input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
<input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
<input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
<input checked="" type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
<input type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
<input checked="" type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
- Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
- ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
- ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917
☐ PTO-875

☐ Notice of Defective Translation
☐ PCT/DO/EO/920

FORM PCT/DO/EO/905 (March 2001)

Deborah Williams

Telephone: 703-305-3744

012627-022

Huber & Schuller

Declaration Due
9/19/01

DOCKETED

TOTAL FILING

*** RX REPORT ***

RECEPTION OK

TX/RX NO	9025	
CONNECTION TEL		7038362021
SUBADDRESS		
CONNECTION ID		
ST. TIME	06/19 14:34	
USAGE T	03'50	
PGS.	9	
RESULT	OK	